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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
VALERIAN DOBRE,)
)
Defendant.)

No. CR 07-0560 JSW

STIPULATION AND [PROPOSED] ORDER
TO EXCLUDE TIME AND TO CONTINUE
HEARING DATE

SAN FRANCISCO VENUE

The parties in the above-titled case, including the defendant, request and agree that the hearing date currently scheduled for November 8, 2007 be continued to November 29, 2007 at 2:30 p.m. for a Quintero Hearing and a Change of Plea Hearing. The parties are also available for a hearing in December, if the Court is unavailable on November 29, 2007. The parties, including the defendant, also agree that time should be excluded under the Speedy Trial Act from November 8, 2007 to November 29, 2007, or until the next hearing date to be determined by the Court. The parties agree, and the Court finds and holds, as follows:

1. Mr. Dobre has been charged in a thirteen count indictment for Conspiracy, Bank Fraud,

STIPULATION AND [PROP.] ORDER
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1 Effecting Transactions with an Access Device and Aiding and Abetting, all in violation of 18 U.S.C.
2 § 371, 18 U.S.C. § 1344, 18 U.S.C. § 1029(a)(5) and 18 U.S.C. § 2.

3 2. The defendant's initial appearance on the indictment was held on August 31, 2007. Also
4 on this date, a detention hearing was conducted before the Honorable Judge Joseph Spero. Judge
5 Spero ordered the defendant to be detained before trial for the following reasons:

- 6 (I) The defendant has no ties to the United States;
- 7 (ii) The defendant refused to provide Pre Trial Services with his home address in Spain
8 and he refused to give detailed financial information;
- 9 (iii) There was an ICE hold and the defendant's Business Visa has expired;
- 10 (iv) The defendant was arrested with multiple fraudulent access devices and a large
11 amount of cash in his possession, and
- 12 (v) The defendant lied to ICE Agents on multiple occasions regarding his occupation
13 upon entry into the United States.

14 3. On October 11, 2007 a Trial Setting Hearing was held before the Honorable Jeffrey S.
15 White. The case was continued to November 8, 2007 for a Quintero Hearing and a Change of Plea
16 Hearing.

17 4. The requested continuance from November 8, 2007 to November 29, 2007 is necessary for
18 the defense attorney to review the evidence, conduct additional legal research, and evaluate the case.
19 In addition, defense counsel travels from Los Angeles to San Francisco to appear at court
20 appearances and to meet with his client, and needs this additional time to confer with his client in
21 San Francisco with a Spanish interpreter.

22 5. Thus, the parties agree, and the Court finds and holds, that failure to grant a continuance
23 would unreasonable deny counsel for the defense the reasonable time necessary for effective
24 preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).
25 Finally, the parties agree, and the Court finds, that the ends of justice served by excluding the period
26 from November 8, 2007 to November 29, 2007, outweigh the best interest of the public and the
27 defendant in a speedy trial. See 18 U.S.C. § 3161(h)(A).

28 6. Accordingly, the Court sets a new hearing date on November 29, 2007, and orders that the

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1 period from November 8, 2007, to November 29, 2007, be excluded from Speedy Trial Act
2 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

3 **IT IS SO STIPULATED.**

4 DATED: October 31, 2007

/S/ Christina Hua
CHRISTINA HUA
Assistant United States Attorney

7 DATED: October 31, 2007

/S/ J.T. Fox
J.T. FOX
Attorney for Defendant Valerian Dobre

10 **IT IS SO ORDERED.** The time from November 8, 2007 to November 29, 2007 shall be
11 excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv), as the ends
12 of justice outweigh the interest of the public and the Defendant in a speedy trial. The parties shall
13 appear on November 29, 2007 at 2:30 p.m. for a Quintero Hearing and a Change of Plea Hearing.
14

15 DATED: _____

JEFFREY S. WHITE
United States District Judge